

UNDERGROUND STORAGE TANK SYSTEM RELEASE RESPONSE AND INITIAL ABATEMENT REQUIREMENTS OUTLINE



NATURAL RESOURCES AND ENVIRONMENTAL
PROTECTION CABINET
DIVISION OF WASTE MANAGEMENT
UNDERGROUND STORAGE TANK BRANCH
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INTRODUCTION

Owners and operators of petroleum or non-petroleum underground storage tank (UST) system(s) regulated by Kentucky Administrative Regulations 401 KAR Chapter 42 shall, in response to a confirmed release from the UST system(s), comply with this outline in order to protect human health, safety and the environment.

This outline is provided to assist owner/operators and contractor/consultants in complying with release response requirements for UST system(s). This outline provides the **minimum** release response and initial abatement requirements for responding to a confirmed release. Some sites have unique features and may require additional information. For terms not defined herein, the definitions in 401 KAR 42:005 shall apply.

The initial abatement report, including the initial abatement checklist, shall be completed and the attached affidavit shall be signed by the owner or operator, or a contractor/consultant for the owner/operator.

1.0 INITIAL RESPONSE

If a release is confirmed from an UST system, **immediate** response shall be performed as required by 401 KAR 42:060 to protect human health, safety and the environment. The release shall be reported to the appropriate authorities at the local, state, or federal level. An attempt shall then be made to locate the source and eliminate any threat to human life or to properties that may result from the release. Attention shall then be focused on preventing further releases into the environment, determining the full extent of the release, and determining the need for and type of any corrective action required to restore the environment.

1.1 Reporting Requirements

A suspected or confirmed underground release of any amount from a UST, or a suspected or confirmed aboveground release such as a spill or overfill of petroleum product(s) in excess of 25 gallons shall be reported **immediately** to the Environmental Response Section at (800) 928-2380, or (502) 564-2380 in Frankfort. The ERT number assigned to the release report shall be included in the initial abatement report. Any spill or overfill less than 25 gallons that cannot be cleaned up within 24 hours shall be reported to the Environmental Response Section.

1.2 Mitigate Explosion Hazards

If it is determined that petroleum products have entered the environment and could result in a fire or an explosion, the owner/operator shall identify and mitigate any and all fire, explosion and vapor hazards. If there is a danger of fire or explosion from spilled petroleum or resulting vapors, immediately evacuate the area. Do not smoke, and extinguish all open flames including pilot lights in the area **(do not use water to do so)**. Turn off all electrical equipment in the area because any heat or sparks may cause a fire or an explosion. Contact the local fire department or disaster and emergency services as appropriate.

1.3 Prevention of Further Releases

Owners and operators shall take any immediate action to prevent any further release of the regulated substance(s) into the environment. If a tank is determined to be leaking, empty the tank and piping, and do not add any more product to it unless under professional guidance for overfill testing. If piping is determined to be leaking, take the suspect pump out of service. **Never** wash spilled petroleum into the sewer, and try to keep the spill from spreading, possibly by constructing berms or using absorbent materials.

1.4 Cleanup of Spills and Overfills

Owners and operators of UST system(s) shall contain and immediately cleanup a surface spill or overfill of a regulated substance that results in a release to the environment. Construction of berms and/or the use of absorbent materials, pumping, or bailing, may reduce the amount of impact to the environment.

2.0 INITIAL ABATEMENT MEASURES

The purpose of initial abatement activities is to prevent the further release and spread of regulated products into the environment. Unless otherwise directed by the Cabinet, owners and operators shall, as required by 401 KAR 42:060, perform the following abatement measures:

2.1 Remove the Product from the UST System

Remove as much of the regulated substance from the UST system as necessary to prevent further release to the environment.

2.2 Visually Inspect for Releases

Visually inspect for any aboveground release or any exposed belowground release and prevent further migration of the released substances into surrounding soils, groundwater, and surface water.

2.3 Continue Monitoring for Fire or Safety Hazards

Continue to monitor and mitigate any additional fire and safety hazards posed by vapors or free product that have migrated from the UST system or from any other source, which may enter into subsurface structures such as basements, sewers or utility lines. Report any additional fire or safety hazard immediately to the Environmental Response Section.

2.4 Remedy any Hazards From Excavated or Exposed Contamination

Owners and operators shall address any hazards from contaminated soils and water that are excavated or exposed as a result of release confirmation, site investigation, abatement, or corrective action activities. Sampling of the excavated material beyond that required by the permitted landfill or landfarm shall not be required if the material is removed and disposed in accordance with Section 3.0 of the Underground Storage Tank System Closure Outline. If the contaminated soils are to be treated aboveground, the Division shall be contacted at (800) 928-4273, or (502) 564-6716 in Frankfort. The Solid Waste Branch maintains a list of landfills and landfarms permitted in Kentucky.

2.5 Measure for the Presence of a Release

Soil and water samples shall be collected where contamination is most likely to be present, unless the presence and source of the release have been confirmed in accordance with the Underground Storage Tank System Site Check Outline incorporated by reference in 401 KAR 42:060, or the Underground Storage Tank System Closure Outline incorporated by reference in 401 KAR 42:070.

2.6 Investigate for the Possible Presence of a Sheen or Free Product

An investigation shall be conducted to determine the possible presence of a sheen or free product. Recovery of any sheen or free product found shall be initiated immediately. If any sheen or free product is found, The Environmental Response Section shall be contacted immediately, and immediate recovery shall be performed.

2.7 Initial Abatement Report

Within twenty (20) days after release confirmation, owners and operators shall submit **one (1) original and one (1) copy** of the Initial Abatement Report to the Division summarizing the initial abatement steps taken along with any resulting information or data. The Initial Abatement shall include, at a minimum, a discussion related to each item of the Initial Abatement Checklist.

3.0 SHEEN OR FREE PRODUCT REMOVAL

At sites where investigations indicate the presence of any amount of liquid phase separated product (sheen or free product) in the environment, immediate measures shall be performed to protect human health, safety and the environment. A sheen or free product greatly increases the risk of vapor/explosion hazards and contaminant migration. Owners and operators are required by 401 KAR 42:060 to remove a sheen or free product to the maximum extent practicable as determined by the Division, while continuing any initial abatement measures, site investigations, or corrective actions required to remediate the release. Owners and operators shall perform recovery, properly treat or dispose of recovery byproducts, abate migration. Submit a recovery report as specified below.

3.1 Recovery

Remove any sheen or free product in a manner that minimizes the spread of contamination into previously uncontaminated soils and/or waters by using recovery and disposal techniques appropriate to the hydrogeologic conditions at the site. A sheen is typically controlled with the use of absorbent materials.

3.2 Properly Treat or Dispose of Recovery Byproducts

Properly treat, discharge, or dispose of recovered products and/or contaminated soil and water in compliance with all applicable laws and regulations.

3.3 Abate Migration

The removal of any sheen or free product and prevention of migration shall be minimum objectives for the design of the recovery systems.

3.4 Recovery Report

Within 45 days after the presence of a sheen or free product is confirmed, **one (1) original and one (1) copy** of the recovery report shall be submitted to the Underground Storage Tank Branch, that provides, at a minimum, the following information:

- (a) The name(s) of the person(s) responsible for implementing any product recovery and vapor recovery measures;
- (b) The estimated quantity, types and thickness of product observed or measured in wells, boreholes and excavations, located on a site sketch drawn to scale and which also includes the location of all recovery equipment;
- (c) The type of recovery system used;
- (d) Indicate if any discharge will take place on-site or off-site during the recovery operation, and submit copies of any discharge permits or disposal manifests signed by a destination representative;
- (e) The type of treatment and the effluent quality expected for any discharge;
- (f) The steps that have been or shall be taken to obtain any additional permits for discharge or disposal; and
- (g) Documentation of the proper handling and disposal of recovered products.

INITIAL ABATEMENT CHECKLIST

Site Name: _____ County _____

Location: _____ UST ID# _____

Instructions:

Place a yes or a no next to the items included in the Initial Abatement Report which shall be submitted within twenty (20) days after confirmation of a release of a regulated substance from an Underground Storage Tank (UST) system(s). If any item is not applicable, write NA for "not applicable" in the appropriate space and provide a brief explanation at the back of this checklist. The complete checklist shall be submitted with both the original and the copy of the initial abatement report in order to expedite review of the initial abatement report.

1.0 Initial Response

- ____ 1.1 Was the release immediately reported to the Environmental Response Section?
- ____ 1.2 Is the ERT number recorded and referenced in the report?
- ____ 1.3 The ERT number for the site is _____ .
- ____ 1.4 Were immediate actions necessary to prevent further releases?
- ____ 1.5 Is a description of actions taken to prevent further release included in the report?
- ____ 1.6 Was prompt containment and cleanup of the spill initiated to prevent or reduce environmental impact?
- ____ 1.7 Were any potential risks of fire or explosion found as a result of the release of a regulated substance?
- ____ 1.8 Is a description of all efforts taken to protect the safety of people and property from vapors, fire or explosion included in the report?
- ____ 1.9 Is a description of all containment and/or cleanup efforts included in the report?

2.0 Initial Abatement

- ____ 2.1 Was it necessary to remove product from any Underground Storage Tank system(s)?
- ____ 2.2 Is a summary of visual inspections of the release included in the report?
- ____ 2.3 Was continued monitoring necessary to reduce fire and/or safety hazards?
- ____ 2.4 Is a description of the monitoring procedure included in the report?
- ____ 2.5 Was contaminated soil or water excavated or otherwise exposed to the air?

- ____ 2.6 Is soil and/or water laboratory analysis submitted?
- ____ 2.7 Is a summary of methods used to reduce safety hazards from exposed contaminated soils and/or waters included in the report?

3.0 Sheen or Free Product Recovery

- ____ 3.1 Was the presence or absence of a sheen or free product determined?
- ____ 3.2 Was the ERT immediately contacted to report any sheen or free product found?
- ____ 3.3 Was the immediate recovery of a sheen and/or free product initiated?
- ____ 3.4 Is a summary of recovery methods and the volume recovered included in the report?
- ____ 3.5 Is a Recovery Report submitted to the Division within forty-five (45) days after confirmation of the presence of a sheen or free product?

The undersigned, first being duly sworn, state that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals responsible for obtaining the information, I believe the submitted information is true, accurate and complete. The undersigned further acknowledges that KRS 224.99-010 provides for penalties for submitting false information.

Company Name _____

Name and title of Individual Whose
Signature Appears Below _____

Signature* _____

Date of Signature _____

Subscribed and sworn to before me by _____,

This the _____ Day of _____, 19 _____

Notary Public _____

My Commission Expires _____

Location of Commission _____

***NOTE:** If the individual signing this is someone other than the president or secretary of a corporation, attach a notarized copy of power of attorney, or resolution of the board of directors which grants the individual the legal authority to represent the company. (Does not apply to a single proprietorship or partnership.)